

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSE MONTANEZ,  
Plaintiff,

v.

CHECKR, INC.,  
Defendant.

Case No. 19-cv-07776-KAW

**ORDER DENYING STIPULATION TO  
CONTINUE BRIEFING SCHEDULE**

Re: Dkt. No. 47

On May 12, 2020, Defendant Checkr, Inc. filed a motion to compel arbitration. (Dkt. No. 37.) At the case management conference, the Court modified the briefing schedule so that Plaintiff's opposition was due by August 14, 2020, and Defendant's reply was due by September 3, 2020. (Dkt. No. 46.) Plaintiff also filed a motion to stay all proceedings and discovery in this matter pending the Court's ruling on the motion to compel arbitration. (Dkt. No. 42.)

On May 26, 2020, the parties filed the instant stipulation to modify the briefing schedule for the motion to stay, such that the deadlines would be the same as the motion to compel arbitration. (Dkt. No. 47.) The Court DENIES the stipulation to continue the briefing schedule. As a practical matter, the proposed briefing schedule would result in the motion to stay being decided at the same time as the motion to compel arbitration. This would appear to render the motion to stay moot, as its stated purpose is to stay the case pending a ruling on the motion to compel arbitration. Thus, it is not clear why the parties are stipulating to a modified briefing schedule, rather than stipulating to a stay of discovery and/or withdrawing the motion to stay.

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1 If the parties are unable to stipulate to a stay pending the outcome of the motion to compel,  
2 Plaintiff shall file an opposition to the motion to stay by June 19, 2020. Defendant's reply shall be  
3 filed by June 26, 2020. The court will decide the motion on the papers.

4 IT IS SO ORDERED.

5 Dated: June 11, 2020



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KANDIS A. WESTMORE  
United States Magistrate Judge